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20995 7590 08/12/2008

KNOBBE MARTENS OLSON & BEAR LLP
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FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ERB, NATHAN

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 08/12/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,265	02/25/2002	Kohei Nishiyama	TOYAM86.001APC	4565

TITLE OF INVENTION: SYSTEM FOR COLLECTING COMMODITY SPECIFICATIONS AND RELATED CUSTOMER INFORMATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$0	\$0	\$1440	11/12/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

20995 7590 08/12/2008
KNOBBE MARTENS OLSON & BEAR LLP
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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the **Mail Stop ISSUE FEE** address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,265	02/25/2002	Kohei Nishiyama	TOYAM86.001APC	4565

TITLE OF INVENTION: SYSTEM FOR COLLECTING COMMODITY SPECIFICATIONS AND RELATED CUSTOMER INFORMATION

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nonprovisional	NO	\$1440	\$0	\$0	\$1440	11/12/2008
EXAMINER	ART UNIT	CLASS-SUBCLASS				
ERB, NATHAN	3628	705-400000				

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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20995	7590	08/12/2008	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				ERB, NATHAN
ART UNIT		PAPER NUMBER		
3628				DATE MAILED: 08/12/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 822 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 822 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/070,265	NISHIYAMA, KOHEI	
	Examiner	Art Unit	
	NATHAN ERB	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 14 April 2008.
2. The allowed claim(s) is/are 17-25.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a phone message from Applicant Representative Katherine Gaudry on Wednesday, July 16, 2008.

Claims 17-31 of the application have been amended as follows:

17. (currently amended) A system for collecting commodity specifications and related customer information, comprising:

a fundamental information presenting ~~mechanism~~processor configured to present fundamental information concerning a commodity under development to an answerer by utilizing a bidirectional communication system that uses a computer, the fundamental information including a plurality of commodity specifications and a plurality of expected selling prices;

an answer recording ~~mechanism~~processor configured to receive and record an answer from the answerer by utilizing the bidirectional communication system that uses the computer, the answer including desired commodity specifications, purchase candidate prices and intent to purchase the commodity; and

a commodity price calculating ~~mechanism~~processor configured to calculate a first commodity price by multiplying the cumulative number of purchase candidates by their desired respective purchasing prices, to compare the calculated first commodity price to a manufacturing cost, and to transmit to each ~~purchase willing person~~purchase candidate a message showing that

the first commodity price is less than a required amount subsequent to the comparison indicating that an appropriate profit will not be generated, the message further requesting the purchase-willing personpurchase candidate to increase the desired purchasing price,

wherein said answer recording mechanismprocessor is configured to receive and record a modified desired purchasing price from an answerera purchase candidate having received the message, and

wherein said commodity price calculating mechanismprocessor is configured to calculate a second commodity price based on said modified desired purchasing prices, to compare the modifiedsecond commodity price to the manufacturing cost, and to send to the purchase candidates an indication that the commodity will be commercialized and price information subsequent to the comparison indicating that the appropriate profit will be generated as a result of the modified desired purchasing prices.

18. (currently amended) The system for collecting commodity specifications and related customer information according to claim 17, wherein said commodity price calculating mechanismprocessor is configured to send [[a first estimated]]an estimated first price as pricing information of the commodity to the purchase candidates who did not answer said message with an increased desired purchasing price, and to send [[a second increased]]an increased second price as pricing information of the commodity to the purchase candidates who did answer said message with an increased desired purchasing price subsequent to the comparison indicating that the appropriate profit will be generated as a result of the modified desired purchasing prices.

19. (currently amended) The system for collecting commodity specifications and related customer information according to claim 17, wherein said commodity price calculating mechanismprocessor is configured to calculate [[a]]the second commodity price based on one or

more of said modified desired purchasing prices and one or more of said desired purchasing prices.

20. (currently amended) A method for collecting commodity specifications and related customer information, ~~executed by a system~~ comprising:

~~a fundamental information presenting mechanism configured to present~~presenting, using
a fundamental information presenting mechanism, fundamental information concerning a commodity under development to an answerer by utilizing a bidirectional communication system that uses a computer, the fundamental information including a plurality of commodity specifications and a plurality of expected selling prices;

~~an answer recording mechanism configured to receive and record~~receiving and recording,
using an answer recording mechanism, an answer from the answerer by utilizing the bidirectional communication system that uses the computer, the answer including desired commodity specifications, purchase candidate prices and intent to purchase the commodity; ~~and~~

~~a commodity price calculating mechanism configured to calculate~~calculating, using a
commodity price calculating mechanism, a first commodity price by multiplying the cumulative number of purchase candidates by their desired respective purchasing prices[[],];

~~to compare~~comparing, using said commodity price calculating mechanism, the calculated first commodity price to a manufacturing cost[[],];

~~and to transmit~~transmitting, using said commodity price calculating mechanism, to each ~~purchase willing person~~purchase candidate a message showing that the first commodity price is less than a required amount subsequent to the comparison indicating that an appropriate profit will not be generated, the message further requesting the ~~purchase willing person~~purchase candidate to increase the desired purchasing price[[],];

~~wherein said answer recording mechanism is configured to receive and record receiving and recording, using said answer recording mechanism, a modified desired purchasing price from an answerera purchase candidate having received the message[[],]; and~~

~~wherein said commodity price calculating mechanism is configured to calculatecalculating, using said commodity price calculating mechanism, a second commodity price based on said modified desired purchasing prices[[],];~~

~~to comparecomparing, using said commodity price calculating mechanism, the modifiedsecond commodity price to the manufacturing cost[[],]; and~~
~~to sendsending, using said commodity price calculating mechanism, to the purchase candidates an indication that the commodity will be commercialized and price information subsequent to the comparison indicating that the appropriate profit will be generated as a result of the modified desired purchasing prices.~~

21. (currently amended) The method for collecting commodity specifications and related customer information according to claim 20, wherein said commodity price calculating mechanism is configured to send [[a first estimated]]an estimated first price as pricing information of the commodity to the purchase candidates who did not answer said message with an increased desired purchasing price, and to send [[a second increased]]an increased second price as pricing information of the commodity to the purchase candidates who did answer said message with an increased desired purchasing price subsequent to the comparison indicating that the appropriate profit will be generated as a result of the modified desired purchasing prices.

22. (currently amended) The method for collecting commodity specifications and related customer information according to claim 20, wherein said commodity price calculating

mechanism is configured to calculate [[a]]~~the~~ second commodity price based on one or more of said modified desired purchasing prices and one or more of said desired purchasing prices.

23. (currently amended) A computer-readable recording medium recorded with a program for making a server collect commodity specifications and related customer information, said program comprising instructions for:

presenting fundamental information concerning a commodity under development to an answerer by utilizing a bidirectional communication system that uses a computer, the fundamental information including a plurality of commodity specifications and a plurality of expected selling prices;

receiving and recording an answer from the answerer by utilizing the bidirectional communication system that uses the computer, the answer including desired commodity specifications, purchase candidate prices and intent to purchase the commodity;

calculating a first commodity price by multiplying the cumulative number of purchase candidates by their desired respective purchasing prices;

comparing the calculated first commodity price to a manufacturing cost; and

transmitting to each ~~purchase willing person~~purchase candidate a message showing that the first commodity price is less than a required amount subsequent to the comparison indicating that an appropriate profit will not be generated, the message further requesting the ~~purchase willing person~~purchase candidate to increase the desired purchasing price,

receiving and recording a modified desired purchasing price from ~~an answerer~~a purchase candidate having received the message;

calculating a second commodity price based on said modified desired purchasing prices;

comparing the ~~modified~~second commodity price to the manufacturing cost; and

sending to the purchase candidates an indication that the commodity will be commercialized and price information subsequent to the comparison indicating that the appropriate profit will be generated as a result of the modified desired purchasing prices.

24. (currently amended) The computer-readable ~~recorded~~recording medium according to claim 23, wherein said program further comprises instructions for:

 sending [[a first estimated]]an estimated first price as pricing information of the commodity to the purchase candidates who did not answer said message with increased desired purchasing prices; and

 sending [[a second increased]]an increased second price as pricing information of the commodity to the purchase candidates who did answer said message with increased desired purchasing prices;

 subsequent to the comparison indicating that the appropriate profit will be generated as a result of the modified desired purchasing prices.

25. (currently amended) The computer-readable ~~recorded~~recording medium according to claim 23, wherein said program further comprises instructions for calculating [[a]]the second commodity price based on one or more of said modified desired purchasing prices and one or more of said desired purchasing prices.

claims 26-31 (canceled)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN ERB whose telephone number is (571) 272-7606. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Erb
Examiner
Art Unit 3628

Nhe

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628

Allowable Subject Matter

1. Claims 17-25 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is Henson, U.S. Patent No. 6,167,383, and Creese, Robert C., "Break-Even Analysis - The Fixed Quantity Approach," Transactions of AACE International, 1993, pp. A.1.1-A.1.7.

Henson discloses:

- a system;
- for collecting commodity specifications;
- related customer information;
- fundamental information presenting mechanism for presenting fundamental information concerning a commodity under development to an answerer;
- answer recording mechanism for receiving and recording an answer from the answerer after said fundamental information is received.

Creese discloses:

- wherein volume of items to be sold is based on manufacturing cost;
- a function of performing a comparison operation by comparing the manufacturing cost with an expected amount of sales obtained by multiplying the number of units to be sold by price;
- it not being expected as a result of the comparison operation that an appropriate amount of profit will be generated;

- a function of performing a comparison operation by comparing an expected amount of sales calculated through the multiplication on the basis of the desired purchasing prices with a manufacturing cost.

As per Claims 17, 20, and 23, the closest prior art of record taken either individually or in combination with other prior art of record fails to teach or suggest ALL of the following elements/limitations TOGETHER in the EXACT configuration with respect to each other as claimed by Applicant:

- a commodity price calculating processor configured to calculate a first commodity price by multiplying the cumulative number of purchase candidates by their desired respective purchasing prices, to compare the calculated first commodity price to a manufacturing cost, and to transmit to each purchase candidate a message showing that the first commodity price is less than a required amount subsequent to the comparison indicating that an appropriate profit will not be generated, the message further requesting the purchase candidate to increase the desired purchasing price, AND

- wherein said answer recording processor is configured to receive and record a modified desired purchasing price from a purchase candidate having received the message, AND

- wherein said commodity price calculating processor is configured to calculate a second commodity price based on said modified desired purchasing prices, to compare the second commodity price to the manufacturing cost, and to send to the purchase candidates an indication that the commodity will be commercialized and price information subsequent to the comparison indicating that the appropriate profit will be generated as a result of the modified desired purchasing prices.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN ERB whose telephone number is (571) 272-7606. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

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Nathan Erb
Examiner
Art Unit 3628

Nhe

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628